

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Virginia M. Litwin et al.

Serial No.: 08/891,062

Examiner: Jeffrey S. Parkin

Filed: June 25, 2001

Group Art Unit: 1648

For: COMPOUNDS CAPABLE OF INHIBITING HIV-1 INFECTION

1185 Avenue of the Americas
New York, New York 10036

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION UNDER 37 C.F.R. §1.132 OF WILLIAM C. OLSON, Ph.D.

I, William C. Olson, Ph.D., hereby declare that:

1. I am Vice President – Research and Development of Progenics Pharmaceuticals, Inc. ("Progenics") in Tarrytown, New York, to which the above-identified application is assigned. I received a Ph.D. from the Massachusetts Institute of Technology in the field of chemical engineering, and have 15 years of research experience in the monoclonal antibody field. My research includes generating, using and characterizing monoclonal antibodies against various antigens and epitopes associated with cell surface antigens, cell surface receptors, and HIV-1 envelope glycoproteins.
2. I understand that the Examiner, in an Office Action dated March 21, 2005, rejected pending claims 40-47 35 U.S.C. §112, first paragraph, on the ground that the specification allegedly fails to provide an enabling disclosure for the claimed invention. I also understand that the Examiner stated that the enablement requirements of 35 U.S.C. §112,

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Exhibit B

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first paragraph, may be satisfied by a deposit of the PA-6 and PA-7 hybridoma cell lines producing monoclonal antibodies, PA-6 and PA-7, respectively.

3. Between March 10 and March 16, 2005, I supervised the expansion of the PA-6 and PA-7 hybridoma cell lines, and the preparation of vials each containing 1 ml of frozen hybridoma cells (4×10^6 cells/ml) for deposit with the American Type Culture Collection (ATCC). The frozen cells were shipped to the ATCC on March 23, 2005 for deposit pursuant to the Budapest Treaty On The International Recognition Of The Deposit Of Microorganisms For The Purposes Of Patent Procedure (Budapest Treaty).
4. The ATCC Budapest Treaty Deposit Receipt and Viability Statement for the PA-6 and PA-7 hybridomas confirm that these hybridomas were deposited with the ATCC on March 24, 2005, pursuant to the Budapest Treaty. This original deposit of the PA-6 and PA-7 hybridomas was made after the January 17, 1996 effective filing of the subject application.
5. The PA-6 and PA-7 hybridomas deposited with the ATCC on March 24, 2005 are biological materials specifically identified in the subject application as filed, for example, in the specification at page 33, lines 17-20 and 26-30, and page 34, Table 1.

I hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

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imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 5/9/05



William C. Olson, Ph.D.